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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMIE TEICHMAN,

Defendant.

Case No. CR-S-2:10-CR-00313-KJD-PAL-1

ORDER

Before the Court is Defendant Jamie Teichman’s Motion to Correct Presentence Report (#65).

On May 11, 2011 Defendant was sentenced to 33 months in prison and five years of supervised release after he pled guilty to a single count of Conspiracy to Commit Mail Fraud, Wire Fraud and Bank Fraud in violation of 18 U.S.C. § 1349. Prior to sentencing, Defendant was interviewed by United States Probation and stated that he used alcohol “on a limited basis.” Based on Defendants statements, the Probation Office prepared a Presentence Report which included this information.

Defendant now seeks to have his Presentence Report changed to reflect his having a substance abuse problem so that he can benefit from programs which are only available to those who can document a substance abuse problem to the Bureau of Prisons. In support of his request,

1 Defendant has submitted letters from several family members stating their opinions that Defendant
2 has an alcohol problem and would benefit from the programs.

3 The Court has been informed that a review of the Probation Office files failed to reveal any
4 other information that would substantiate Defendants claim. Defendant has offered nothing to
5 explain his unequivocal statement to the Probation Office that he used alcohol "on a limited basis."
6 Further, Defendant did not object to the factual accuracy of this aspect of the Presentence Report
7 when he had the opportunity to do so. (See Defendant's Objections to Presentence Report (#20);
8 Transcript of Sentencing (#36) at 4-5.)

9 Although the Court has authority to correct errors in the Presentence Report, there is no
10 indication that Defendant's inconsistent positions are the result of error. Instead, Defendant appears
11 to be seeking modification of the Presentence Report so that he can qualify for programs that could
12 reduce his time in custody. This is an inappropriate justification for granting the Motion to Correct
13 the Presentence Report. Accordingly, the Motion is denied.

14 **IT IS HEREBY ORDERED THAT** Defendant's Motion to Correct Presentence Report
15 (#65) is **DENIED**.

16 DATED this 23rd day of July 2012.

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Kent J. Dawson
United States District Judge
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